

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHRISTOPHER H. LOWE,<sup>1</sup> )  
Plaintiff, )  
v. ) No. 4:12CV904 RLW  
RAZOR USA, LLC and )  
TOYS "R" US DELAWARE, INC., )  
Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendants' Motion to Strike Improper Party-Plaintiff (ECF No. 51). The motion is fully briefed and ready for disposition.

Plaintiff filed an Amended Complaint on November 20, 2012, alleging negligence and strict liability/product defect against Defendants for injuries sustained while riding a Razor scooter. (First Am. Pet., ECF No. 22) The Complaint included Plaintiff's Next Friend, Marla Camille Hunter, but also indicated that Plaintiff was no longer a minor. (*Id.* at ¶ 1, ECF No. 22) On September 23, 2014, Defendant filed the instant Motion to Strike the Next Friend as an improper party-plaintiff, and Plaintiff filed his consent that Plaintiff Lowe maintains the case individually and no longer through his Next Friend.

Under Missouri statute, a "person[] of the age of eighteen years or older . . . may commence, prosecute, or defend any [civil] action in his own name as the real party in interest." Mo. Rev. Stat. 507.115. Thus, when a minor reaches the age of eighteen, the need for and authority of a next friend expires. *State ex rel. Hill v. Davis*, 488 S.W.2d 305, 310 (Mo. Ct. App.

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<sup>1</sup> Because this Memorandum and Order strikes Marla Camille Hunter as Next Friend based on Plaintiff Christopher H. Lowe's current age of majority, the caption should change accordingly. Future pleadings shall reflect this change in the caption.

1972). While Plaintiff does not contest that Marla Hunter is no longer a party, he opposes an order striking her as an improper party. Plaintiff avers that the Amended Complaint is clear that Marla Hunter is not a party, as the Amended Complaint demonstrates that only Plaintiff Lowe alleges damages and seeks redress. However, the pleading also refers to both individuals as Plaintiffs and states that "Plaintiffs claim for damages against these defendants exceeds Seventy-Five Thousand Dollars (\$75,000.00)." (First Am. Pet. ¶¶ 1, 5, ECF No. 52) For the sake of clarity, the undersigned will grant Defendants Motion to Strike to the extent that Next Friend Marla Camille Hunter is removed as a party-plaintiff from this action and the caption. The case shall proceed with Christopher H. Lowe as the sole Plaintiff.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' Motion to Strike Improper Party-Plaintiff (ECF No. 51) is **GRANTED** and Marla Camille Hunter shall be removed as Next Friend and party.

Dated this 24th Day of September, 2014.

  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE